



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

JUL 7 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. John R. Jackson
Vice President
The Embalmers' Supply Company
1370 Honeyspot Road Extension
Stratford, Connecticut 06615

Ref. No.: 03-0073

Dear Mr. Jackson

This responds to your letter regarding classification of your products containing formaldehyde in various concentrations and other products which contain varying amounts of methanol and ethylene glycol, and whether they may be reclassified and described as a Consumer commodity, ORM-D in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The products are used for embalming and disinfecting of human remains.

Your company packages a range of products that contain formaldehyde in various concentrations as follows: (1) 8% to 24% with flash points ranging from 64.4°C to 80.0°C; (2) 4.7% to 21.0% with flash points ranging from 20°C to 50°C; (3) 25% to 36% with flash points ranging from 61.0°C to 77.0°C; and (4) 28% to 34% with flash points ranging from 43°C to 57°C. Your company also packages another range of products containing methanol (0.8% to 25.0%) and ethylene glycol (3.0% to 12.5%) with flash points ranging from 61.0°C to 110.0°C.

These products are packaged in 473 ml (16 fluid ounces) polyethylene bottles that have polypropylene caps with a patented non-backoff closure and polyester liner (F-217). The bottles are packed 24 to a case varying in weight from 11.79 Kg (26 pounds) to 15.42 Kg (34 pounds). The package is a combination packaging marked "UN 4G/Y16/S/02/USA+AG0624." Specifically, you asked for classification of your products, whether they qualify for the limited quantity exceptions in §173.150, and if they meet the definition for a Consumer commodity, ORM-D.

Based on the information provided, your company's large variety of products meet the definition in §173.120 for a Class 3 (flammable liquid or combustible liquid) material. A material that meets the Class 3 definition is subject to the HMR and regulated for purposes of transportation. A combustible liquid in a non-bulk packaging that is not a hazardous substance, hazardous waste, or marine pollutant is not subject to the HMR for purposes of transportation (See §§173.120(a) and (b) and §173.150(f)).

In general terms, a consumer commodity, as defined in §171.8, is a material that is packaged and distributed in a form intended or suitable for retail sale to consumers even if not specifically so intended and that, may, in fact, be used in some other fashion. A Class 3 (flammable liquid) material packaged for shipment in accordance with the limited quantity provisions in §173.150 that meets the definition of



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173.150

a consumer commodity may be renamed as a "Consumer commodity" and reclassified as ORM-D material. Packages containing an ORM-D material must be marked in accordance with § 172.316. Based on the information provided in your letter, it is the opinion of this Office that your products may be transported as consumer commodities.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,



Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

**THE EMBALMERS' SUPPLY COMPANY, INC.**

*1370 Honeyspot Road Extension
Stratford, Connecticut 06615*

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HUMAN BEING 203-375-2984

June 3, 2003

Mr. Edward Mazzullo
U.S. Department of Transportation
Office of Hazmat Standards
Research and Special Programs Administration
400 Seventh Street Southwest
Washington, DC 20590-0001
Attn. Helen Engrum

Dear Sir or Madam:

I am writing to ask you for a definition of Consumer Commodity under the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) as it applies to our range of products. Our products are used for the preservation, disinfecting and preparation of human remains by licensed embalmers that vary in composition and concentrations of hazardous materials.

We package a range of products that contain formaldehyde in concentrations of 8% to 24% with flash points ranging from 64.4 °C to 80.0 °C. We package another range of products that has formaldehyde in concentrations of 4.7% to 21.0% with flash points within the range of 20 °C to 50 °C. We package another range of products with formaldehyde concentrations of 25% to 36% that have flash points in the range of 61.0 °C to 77.0 °C. We package another range of products with formaldehyde concentrations of 28% to 34% with flash points in the range of 43 °C to 57 °C. We package another range of products with no formaldehyde, but with a range of methanol (0.8% to 25.0%) and ethylene glycol (3.0% to 12.5%) that have flash points ranging from 61.0 °C to 110.0 °C.

All of these products are packaged in 16 fluid ounce (473 ml) polyethylene bottles that have polypropylene caps with a patented non-backoff closure and (F-217) polyester liner. These bottles are packaged 24 to a fiberboard box. The package has been tested and certified for performance oriented packaging and is marked UN 4G/Y16/S/02/USA+AG0642.

Considering the above definitions, can these products generally be reclassified as ORM-D Consumer Commodity for shipping purposes?

Sincerley,

John R. Jackson
Vice President

